

**LIEN ON AMOUNT DUE CONTRACTOR UNDER MISSISSIPPI CODE
ANNOTATED (1972) AS AMENDED, § 85-7-181 ET SEQ.**

**STATE OF MISSISSIPPI
COUNTY OF DESOTO**

**TO: Dr. Robert P. Tate and wife, Karen Tate
1405 Nottingham Drive
Southaven, MS 38671**

Whittington Paving Company and Choctaw Construction Company, hereby serve notice on Dr. Robert P. Tate and wife Karen Tate, by certified mail, return receipt requested, of a lien on amount due contractor under the provisions of Mississippi Code Annotated (1972) as amended, § 85-7-181, et. seq., and thereby notify Dr. Robert P. Tate and wife, Karen Tate, of the claim of Whittington Paving Company and Choctaw Construction Company, and in support thereof, would show and state the following:

1. That Dr. Robert P. Tate and wife, Karen Tate are the owners of the following described land located in DeSoto County, Mississippi Bullfrog Gardens, 6295 Highway 51 North, Horn Lake, Mississippi 38637, more particularly described as follows:

16.11 Acres in the Southwest ¼ of Section 35, Township 1 South, Range 8 West, City of Horn Lake, DeSoto County, Mississippi and being described as follows:

Commencing at a found ¾ inch rebar marking the accepted Northwest corner of the Southwest ¼ of said Section 35; thence South 0° 29' 05" East 990.52 Feet to a found ⅝ inch pipe; thence South 1° 10' 33" West 225.72 feet to a set T-Post and the point of beginning; thence North 89° 54' 27" East 1589.00 feet to a set T-Post; thence North 1° 10' 33" East 16.18 feet to a set T-Post; thence North 89° 54' 27" East 1025.98 feet to a set T-Post on the West line of Highway No. 51; thence South 4° 48' 22" West 27.68 feet along the West line of said highway to a found conc. row. marker; thence South 8° 38' 37" West 141.38 feet along the West line of said highway to a found conc. row. marker; thence South 8° 50' 55" East 112.49 feet along the West line of said highway to a set T-Post in a large ditch; thence leaving said highway South 89° 52' 27" West 2614.46 feet to a found ⅝ inch pipe; thence North 1° 10' 33" East 263.91 to the point of beginning.

STATE MS.-DESOTO CO.
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W.E. DAVIS CH. CLK.

2. That Whittington Paving Co. and Choctaw Construction Co. contracted with Jim Disalvo, Jr. to provide for paving and construction work on the property described above. That pursuant thereto, Whittington Paving Co. And Choctaw Construction Co. did provide materials and labor to the property described above, and that as a result thereof, there is presently due to Whittington Paving Co. and Choctaw Construction Co., the sum of Forty Thousand Three Hundred Dollars and No Cents (\$40,300.00), \$13,105.90 of which belongs to Choctaw Construction Company.

3. That there is unpaid at this time, as shown by the sworn Affidavits of Account of Rusty Whittington of Whittington Paving Co. and Warren Mills of Choctaw Construction Co., attached hereto, the sum of Forty Thousand Three Hundred Dollars and No Cents (\$40,300.00), \$13,105.90 of which belongs to Choctaw Construction Company, which is presently due and owing and which said sum the said Jim Disalvo, Jr. has not paid and it appears that he will not pay. A copy of the invoice presented to Mr. Disalvo, evidencing the amount due is attached as Exhibit "A".

4. That Whittington Paving Co. and Choctaw Construction Co. are claiming benefit of Mississippi Code Annotated (1972) as amended, §85-7-181, et. seq. by giving notice to Dr. Robert Tate and wife Karen Tate to hold all sums due Jim DiSalvo, Jr. that are owed by Jim Disalvo, Jr. to Whittington Paving Co. And Choctaw Construction Co.

5. The parties affected by this notice are:

Community Bank, DeSoto County
P.O. Box 129
Southaven, MS

Dr. Robert Tate and wife, Karen Tate
1405 Nottingham Drive
Southaven, MS

Jim Disalvo, Jr.
7876 Stage Hill Boulevard, Suite 105
Bartlett, TN 38133

WITNESS OUR SIGNATURES , this the 24th day of June, 2003.



Rusty Whittington, Whittington Construction Co.



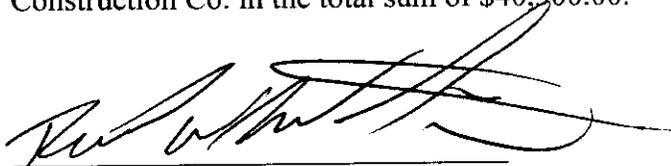
Warren Mills, Choctaw Construction Co.

PREPARED BY:
MARY LYNN DAMARÉ
CHATHAM LAW FIRM
291 Loshier Street
Hernando, MS 38632
(662)429-9871

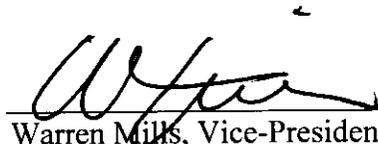
AFFIDAVIT TO ACCOUNT

STATE OF MISSISSIPPI
COUNTY OF DESOTO

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said County and State, and within my jurisdiction, the within named Rusty Whittington who acknowledged that he is the President of Whittington Paving Co. and Warren Mills who acknowledged that he is the Vice-President of Choctaw Construction Co., and each on their oath states that Jim Disalvo, Jr. is severally indebted to Whittington Paving Co. and Choctaw Construction Co. in the total sum of \$40,300.00.



Rusty Whittington, President
WHITTINGTON PAVING CO.



Warren Mills, Vice-President
CHOCTAW CONSTRUCTION CO.

SWORN TO AND SUBSCRIBED BEFORE ME this the 24th day of June, 2003.



NOTARY PUBLIC

